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NOTICE OF ALLOWANCE AND FEE(S) DUE

959

7590

08/13/2009

LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON, MA 02109

EXAMINER

RAMPURIA, SATISH

ART UNIT

PAPER NUMBER

2191

DATE MAILED: 08/13/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,432	12/18/2001	Harry Kargman	AVE-003RCE3	3451

TITLE OF INVENTION: SYSTEM AND METHOD FOR DELIVERING CONTENT TO MOBILE DEVICES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	11/13/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

959 7590 08/13/2009

LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON, MA 02109

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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TITLE OF INVENTION: SYSTEM AND METHOD FOR DELIVERING CONTENT TO MOBILE DEVICES

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nonprovisional	YES	\$755	\$300	\$0	\$1055	11/13/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
RAMPURIA, SATISH	2191	717-136000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 109 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 109 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/024,432

Examiner

SATISH RAMPURIA

Applicant(s)

KARGMAN ET AL.

Art Unit

2191

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/09/2009.
2. ☒ The allowed claim(s) is/are 1-6,8-15 and 19-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 06/09/2009
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

This action is in response to the amendment filed on 06/09/2009.

Claims 1-6, 8-15, 19-26 are allowed.

Claims 16-18 are cancelled by the Applicant.

Claims 1, 21, 22, 25 are amended by the Applicant.

Information Disclosure Statement

The contents of information disclosure statement filed on 06/09/2009 which are lined through fail to comply with the provisions of 37 CFR 1.98 because these contents cannot be listed in a printing patent. These contents which are the internal office actions replying by patent Examiners should not be listed in a printing patent.

In accordance to 37 CFR 1.98 (a) (2) (ii) or (iv), the considered portions will be listed:

(ii) Each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office;

(iv) All other information or that portion which caused it to be listed.

Thus, every content submitted under 37 CFR 1.98 when being initialed will cause to be listed in a printing patent. Therefore, pursuant to 37 CFR 1.98, Applicants should submit the contents as U.S. or Foreign patent application publications and/or pending unpublished U.S. applications. An office action cannot be the portion which is caused to be listed in accordance to 37 CFR 1.98 (a) (2) (ii) or (iv).

As per request for considering the portions/contents that are the internal Examiner office actions, these portions/contents are considered by the Examiner, but they are lined through because of 37 CFR 1.98 (a) (2) (ii) or (iv).

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John S. Curran [Reg. No. 50,445] on August 10, 2009.

In the claims

Please cancel claim 7 and amend claims 1, 8, 21, and 25 as follows.

1. (Currently Amended) A computer-implemented method of delivering customized content

over a network to mobile devices, the method comprising:

providing content in a generic markup language, the content in a generic markup language including tags used to translate the content, behavior of the tags extensible by a content developer for use in content translation based on an identified attribute of a requesting device, the content in the generic markup

language convertible into content of multiple programming languages capable of being displayed on a mobile device;

providing at least one registry containing device information for multiple types of mobile devices, the information including device attributes for each type of mobile device;

providing a set of rules for translating of the content from the generic markup language into content displayable on the mobile device;

receiving a request for the content from a mobile device interfaced with the network;

identifying automatically without user input, based on the request, a type of device for the mobile device;

retrieving device information for the identified type of device from the at least one registry;

generating content for the mobile device by:

converting the content in the generic markup language into a form of content displayable on the mobile device; and

applying at least one rule from the set of rules in combination with the device information from the at least one registry to generate content for the mobile device;

customizing the converted content based upon at least one device attribute in the device information retrieved from the at least one registry, the customizing occurring programmatically without input from a user; and

transmitting the generated content over the network to the mobile device.

7. (Cancelled)

8. (Previously Presented) The method of ~~claim 1~~claim 7, comprising the further steps of:

receiving user preferences relating to the display of content on a mobile device;

and

using at least one user preference to generate the content for the mobile device.

21. (Currently Amended) A tangible medium holding computer-executable instructions for

customizing data based upon device attributes, the instructions when executed causing a computing device to:

provide content in a generic markup language, the generic markup language including tags used to translate the content, behavior of the tags extensible by a content developer for use in content translation based on an identified attribute of a requesting device, the content in the generic markup language convertible into content of multiple programming languages capable of being displayed on a mobile device;

provide at least one registry containing device information for multiple types of mobile devices, the information including device attributes for each type of mobile device; and

providing a set of rules for translating of the content from the generic markup language into content displayable on the mobile device;

receive a request for the content from a mobile device interfaced with the network;

identify automatically without user input, based on the request, a type of device for the mobile device;

retrieve the device information for the identified type of device from the at least one registry;

generate content for the mobile device by:

converting the content in the generic markup language into a form of content displayable on the mobile device; and

applying at least one rule from the set of rules in combination with the device information from the at least one registry to generate content for the mobile device;

customizing the converted based upon at least one device attribute in the device information retrieved from the at least one registry; and
transmitting the generated content over the network to the mobile device.

25. (Currently Amended) A system for delivering customized content over a network to mobile devices, comprising:

content written in a generic markup language, the content in a generic markup language including tags used to translate the content, behavior of the tags extensible by a content developer for use in content translation based on an identified attribute of a requesting device, the content in the generic markup language convertible into content of multiple programming languages capable of being displayed on a mobile device communicating over the network;

at least one registry containing device information for multiple types of mobile devices, the information including device attributes for each type of mobile device;

an electronic device in communication over the network with a mobile device, the electronic device receiving a request for the content from the mobile device and identifying automatically without user input, based on the request, a type of device for the mobile device, the electronic device retrieving device information for the identified type of device from the at least one registry and generating content for the mobile device by converting the content in the generic markup language into a form of content displayable on the mobile device, the converted content additionally customized based upon at least one device attribute in the device information retrieved from the at least one registry, providing a set of rules for translating of the content from the generic markup language into content displayable on the mobile device; applying at least one rule from the set of rules in combination with the device information from the at least one registry to generate content for the mobile device;

the customizing occurring programmatically without input from a user, the generated content transmitted over the network to the mobile device.

--END--

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

As pointed out by the Applicants in the Remark that the cited prior art taken alone or in combination fail to teach, in combination with the other claimed limitations, providing content in a generic markup language... including tags used to translate the content, behavior of the tags extensible by a content developer for use in content translation based on an identified attribute of a requesting device, the content in the generic markup language convertible into content of multiple programming languages capable of being displayed on a mobile device... identifying automatically without user input, based on the request, a type of device for the mobile device... providing a set of rules for translating of the content from the generic markup language into content displayable on the mobile device; applying at least one rule from the set of rules in combination with the device information from the at least one registry to generate content for the mobile device as recited in a manner in the independent claims 1, 21 and 25.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satish S. Rampuria whose telephone number is (571) 272-3732. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708. Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish Rampuria
Examiner, Art Unit 2191
/Wei Y Zhen/

Application/Control Number: 10/024,432

Page 10

Art Unit: 2191

Supervisory Patent Examiner, Art Unit 2191